

Ryan Lee, Esq. (SBN 024846)  
Krohn & Moss, Ltd.  
10635 Santa Monica Blvd. STE 170  
Los Angeles, CA 90025  
T: (323) 988-2400; F: (866) 802-0021  
[rlee@consumerlawcenter.com](mailto:rlee@consumerlawcenter.com)  
Attorney for Plaintiff  
DONNA BLAKE

**IN THE UNITED STATES DISTRICT COURT,  
DISTRICT OF ARIZONA  
TUCSON DIVISION**

DONNA BLAKE, ) Case No.:  
Plaintiff, )  
vs. ) COMPLAINT AND DEMAND FOR  
VIKING COLLECTION SERVICE, INC., ) JURY TRIAL  
Defendant. ) (Unlawful Debt Collection Practices)  
 )  
 )

## **COMPLAINT**

DONNA BLAKE (Plaintiff), by her attorneys, KROHN & MOSS, LTD., alleges the following against VIKING COLLECTION SERVICE, INC. (Defendant):

## INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA). According to the FDCPA, the United States Congress has found abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, and has determined that abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the

1 loss of jobs, and to invasions of individual privacy. Congress wrote the FDCPA to  
2 eliminate abusive debt collection practices by debt collectors, to insure that those debt  
3 collectors who refrain from using abusive debt collection practices are not competitively  
4 disadvantaged, and to promote consistent State action to protect consumers against debt  
5 collection abuses. *15 U.S.C. 1692(a) – (e)*.

- 6 2. Plaintiff brings this action to challenge Defendant's actions with regard to attempts by  
7 Defendant, a debt collector, to unlawfully and abusively collect a debt allegedly owed by  
8 Plaintiff, and this conduct caused Plaintiff damages.
- 9 3. Defendant acted through its agents, employees, officers, members, directors, heirs,  
10 successors, assigns, principals, trustees, sureties, subrogees, representatives, and  
11 insurers.

12 **JURISDICTION AND VENUE**

- 13 4. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such  
14 actions may be brought and heard before "any appropriate United States district court  
15 without regard to the amount in controversy."
- 16 5. Because Defendant maintains a business office and conducts business in the state of  
17 Arizona, personal jurisdiction is established.
- 18 6. Venue is proper pursuant to *28 U.S.C. 1331(b)(2)*.
- 19 7. Declaratory relief is available pursuant to *28 U.S.C. 2201 and 2202*.

20 **PARTIES**

- 21 8. Plaintiff is a natural person who resides in the city of Tucson, Pima County, Arizona and  
22 is allegedly obligated to pay a debt and is a "consumer" as that term is defined by *15*  
23 *U.S.C. 1692a(3)*.
- 24 9. Defendant is a national company with a business office in Phoenix, Arizona.
- 25 10. Defendant uses instrumentalities of interstate commerce or the mails in any business the

1 principal purpose of which is the collection of any debts, or who regularly collects or  
2 attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or  
3 due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.

4 **FACTUAL ALLEGATIONS**

- 5 11. Defendant has been contacting and communicating with Plaintiff in an attempt to collect  
6 upon an alleged debt.
- 7 12. Defendant places collection calls from "unavailable" phone numbers.
- 8 13. Defendant places collection calls to Plaintiff at (520) 327-5760.
- 9 14. Defendant has failed to inform Plaintiff in all subsequent communications that  
10 Defendant is a debt collector. (See Exhibit A).
- 11 15. Defendant's agent, "Brian Christopher", used rude and abusive language in an attempt to  
12 collect upon the alleged debt by stating "enjoy the calls", "God, you know you don't  
13 pay your bills, what's wrong with you?", and "you sign a contract and then think you can  
14 just walk away?."
- 15 16. Defendant's agent, "John Rizzo", threatened Plaintiff with immediate legal action by  
16 informing Plaintiff that her account would be marked a "refusal to pay" and that this  
17 would result in legal action against her in her state.
- 18 17. Defendant used deceptive practices by refusing to identify itself as a debt collect upon  
19 Plaintiff's repeated requests and by informing Plaintiff that Defendant "does many  
20 things."

21 **COUNT I**

22 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

- 23 18. Defendant violated the FDCPA based on the following:

- 24 a. Defendant Violated §1692d of the FDCPA by engaging in conduct the natural  
25 consequence of which is to harass, oppress, and abuse Plaintiff.

- b. Defendant Violated §1692d(2) of the FDCPA by using abusive language when speaking with Plaintiff in an attempt to collect upon an alleged debt.
  - c. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of callers identity.
  - d. Defendant Violated §1692e(5) of the FDCPA by threatening Plaintiff with immediate legal action which Defendant has not, and does not, intend to carry out.
  - e. Defendant violated §1692e(10) of the FDCPA by engaging in deceptive means to collect a debt or obtain information about a consumer.
  - f. Defendant violated §1692e(11) of the FDCPA by contacting Plaintiff and failing to state that they are a debt collector and any information will be used for that purpose.

19. As a direct and proximate result of one or more or all of the statutory violations above Plaintiff has suffered emotional distress (see Exhibit "B").

WHEREFORE, Plaintiff, DONNA BLAKE, respectfully requests judgment be entered against Defendant, VIKING COLLECTION SERVICE, INC., for the following:

20. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,

21. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
22. Actual damages,

23. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act  
*15 U.S.C. 1692k*

24. Any other relief that this Honorable Court deems appropriate.

1 RESPECTFULLY SUBMITTED,

2 DATED: April 6, 2009

KROHN & MOSS, LTD.

3  
4 By: /s/ Ryan Lee  
5 Ryan Lee

6 Attorney for Plaintiff

7  
8 **DEMAND FOR JURY TRIAL**

9 PLEASE TAKE NOTICE that Plaintiff, DONNA BLAKE, demands a jury trial in this  
10 cause of action.

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

## STATE OF ARIZONA

Plaintiff, DONNA BLAKE, states as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, DONNA BLAKE, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE:



DONNA BLAKE

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10 **EXHIBIT A**  
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Yeah Donna, this is Brian Christopher here, PCS. I have been following you \_\_\_\_\_. It does require immediate attention. Do return this call as soon as you get this message at 800-490-9765, 800-490-9765.

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10 **EXHIBIT B**  
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I have suffered from the following due to, or made worse by, the actions of the Defendant's debt collection activities:

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|---|--------------------------------------|----|
| 1. Sleeplessness  | <input checked="" type="radio"/> YES | NO |
| 2. Fear of answering the telephone                            | <input checked="" type="radio"/> YES | NO |
| 3. Nervousness  | <input checked="" type="radio"/> YES | NO |
| 4. Fear of answering the door                                 | <input checked="" type="radio"/> YES | NO |
| 5. Embarrassment when speaking with family or friends         | <input checked="" type="radio"/> YES | NO |
| 6. Depressions (sad, anxious, or "empty" moods)               | <input checked="" type="radio"/> YES | NO |
| 7. Chest pains  | <input checked="" type="radio"/> YES | NO |
| 8. Feelings of hopelessness, pessimism                        | <input checked="" type="radio"/> YES | NO |
| 9. Feelings of guilt, worthlessness, helplessness             | <input checked="" type="radio"/> YES | NO |
| 10. Appetite and/or weight loss or overeating and weight gain | <input checked="" type="radio"/> YES | NO |
| 11. Thoughts of death, suicide or suicide attempts            | <input checked="" type="radio"/> YES | NO |
| 12. Restlessness or irritability                              | <input checked="" type="radio"/> YES | NO |
| 13. Headache, nausea, chronic pain or fatigue                 | <input checked="" type="radio"/> YES | NO |
| 14. Negative impact on my job                                 | <input checked="" type="radio"/> YES | NO |
| 15. Negative impact on my relationships                       | <input checked="" type="radio"/> YES | NO |

Other physical or emotional symptoms you believe are associated with abusive debt collection activities:

*John Rizzo asked: "Did you receive Brian's call to you?" implying that I had no proof of his aggressive ways and that no one would believe me, I have felt violated by both of these men, acting like they were a God person. Brian called me a "jerk, and loser!"*

Pursuant to 28 U.S.C. § 1746(2), I hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: April 1, 2009

Donna Blake  
Signed Name

Donna Blake  
Printed Name